

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 354 - HB 476

April 21, 2021

SUMMARY OF ORIGINAL BILL: Permits the use of surveillance cameras on interstate highways only for aiding law enforcement with criminal investigations. Provides a severability clause, should any parts of this legislation be held invalid.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (006531, 006727, 007310): Amendment 006531 deletes and replaces all language of the original bill such that the only substantive variation is changing the enacting date from July 1, 2021 to upon becoming law.

Amendment 006727 amends the bill as amended by Amendment 006531 to name the legislation the "Caitlyn Kaufman Interstate Safety Act".

Amendment 007310 amends the bill as amended by Amendments 006727 and 006531 to add language to authorize the use of surveillance cameras on interstate highways in aiding in searches for missing or endangered persons.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to 23 CFR § 710.405(a), a Right-of-Way use agreement for the non-highway use of real property interests may be executed with a public entity or private party. Any non-highway alternative use of real property interests requires approval by Federal Highway Administration (FHWA), including a determination by FHWA that such occupancy, use, or reservation is in the public interest, is consistent with the continued use, operations, maintenance, and safety of the facility, and such use does not impair the highway or interfere with the free and safe flow of traffic. This applies to highways that received financial assistance in any way.
- Pursuant to Tenn. Code Ann. § 55-8-198(f), no unmanned traffic enforcement cameras shall be permitted on federal interstate highways except for Smart Way cameras, other intelligent transportation system cameras or, when employees of the Department of Safety or construction workers are present, unmanned traffic enforcement cameras used

to enforce or monitor traffic violations within work zones designated by the Department of Transportation, provided, that the cameras shall be operated only by a state entity.

- As this legislation permits surveillance cameras on federal interstate highways, it is assumed that the current Smart Way and intelligent transportation system cameras will be utilized to aid in criminal investigations.
- By utilizing the existing camera systems, FHWA approval is not needed and there will not be a significant impact on state expenditures.
- As the cameras cannot be utilized to enforce or monitor state or local traffic violations or issue citations for such violations, there will not be a significant impact to state or local government revenue.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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